

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

Robert E. Brown and	:	
Shirley H. Brown h/w	:	
Plaintiffs,	:	
v.	:	Civil Action No. 04- 617- SLR
	:	
Interbay Funding LLC, and	:	
Legreca & Quinn Real Estate	:	
Services Inc.	:	
Defendants	:	

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2005 APR 11 PM 3:11

**MOTION TO DISMISS DEFENDANTS MOTIONS FOR SUMMARY
JUDGMENT**

INTERBAY FUNDING LLC AND LEGRECA AND QUINN

Comes Now, Robert E. and Shirley H. Brown, pursuant to Federal Rules of Civil Procedure, Rule 41,(1),(i) and move this Honorable Court to Dismiss Defendants (Interbay Funding, LLC and Legreca and Quinn Real Estate Services Inc), Motions for Summary Judgment.

Defendants have failed to meet the requirements of the Statute of Federal Rules of Civil Procedure Rule 56,(Summary Judgment). Defendants motions have not shown that an issue of genuine fact exist. Defendants Interrogatories admit that Defendants (Interbay Funding LLC and Legreca and Quinn Real Estate Service) are in stark violations of USPAP and FIERRA by using a Commercial Appraisal prepared by Robert C. Legreca (an SRA designate). Mr. Robert C. Legreca has an SRA designation by the Appraisal Institute which he as a member admits in his Interrogatories that he does not know the values of lots 2617 2619 Market Street. According to the Appraisal Institute SRA designations are primarily residential Appraisers.

The evidence admission in interrogatories and affidavits on record support the fact that Defendants (Interbay and Legreca and Quinn) assigned the appraisal of the properties the Plaintiffs, (Robert and Shirley H. Brown) were purchasing which were Commercial properties (2617- 2619 – 2625 – Market Street to Robert C. Legreca a (SRA), General Appraiser. This lack of credentials clearly demonstrates that Robert C. Legreca (SRA designate) was not qualified to do the assignment requested of him by Defendant (Interbay), and that Defendant (Interbay) knew or should have known that the use of the Commercial Appraisal prepared by Robert C. Legreca was not only erroneous but defective.

Interbay Funding LLCs use of this Commercial Appraisal was done in bad faith, with the intent to do harm.

The actions of Interbay Funding LLC and Legreca and Quinn, are obvious violations the Federal Statutes, USPAP Regulations, as well as Appraisal Institutes Ethics and Rules and other discriminatory practices; including but not limited to Title 12 CFR § 528 (2),(a) 15 USC § 1691 (a), and 42 USC § 3605 (a), as well as 12 CFR 34.46 Professional association membership; competency. § (b). To invoice all the Laws, Statutes, and violations of USPAP, FIERRA, and the Appraisal Institute would only serve to be cumulative.

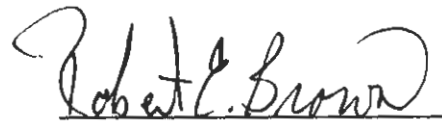
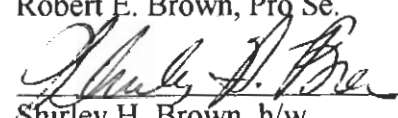
CONCLUSION

We request this Honorable Court to Dismiss the Defendants (Interbay Funding LLC and Legerca and Quinns Real Estate Services Inc) Motions for Summary Judgment for the reasons mentioned above.

12 CFR PART 34.46

34.46 Professional association membership; competency. §

(b) Competency. All staff and fee appraisers performing appraisals in connection with federally related transactions must be State certified or licensed, as appropriate. However, a State certified or licensed appraiser may not be considered competent solely by virtue of being certified or licensed. Any determination of competency shall be based upon the individual's experience and educational background as they relate to the particular appraisal assignment for which he or she is being considered.


Robert E. Brown, Pro Se.

Shirley H. Brown, h/w
1024 Walnut Street
Wilmington, DE. 19801
(302) 652-9959

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT DELAWARE**

ROBERT E. BROWN, and

SHIRLEY H. BROWN,

Plaintiffs,

V.

INTERBAY FUNDING, LLC, and
LEGRECA & QUINN REAL ESTATE
SERVICES, INC.,

Defendants.

C.A. No. 04-6 17 SLR

ORDER

Let it be known that on this _____, day of April 2005, Robert E. and Shirley H. Brown, this Honorable Court to Dismiss Defendants Interbay Funding, LLC and Legreca and Quinn Real Estate Services Inc , Motions for Summary Judgment.

Therefore, it is now Ordered by this Court that the Plaintiffs Robert E. and Shirley H. Brown be granted the Dismissal of Defendants Interbay Funding, LLC and Legreca and Quinn Real Estate Services Inc , Motions for Summary Judgment.

IT IS SO ORDERED.

By the Court.

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Plaintiffs,	:	
vi.	:	Civil Action No. 04- 617- SLR
	:	
Interbay Funding LLC, and	:	
Legreca & Quinn Real Estate	:	
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Defendants	:	

CERTIFICATE OF SERVICE OF

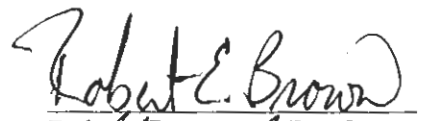
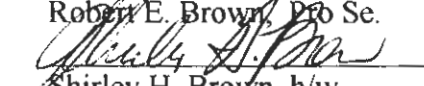
MOTION TO DISMISS DEFENDANTS MOTION FOR SUMMARY JUDGMENT
INTERBAY FUNDING LLC AND LEGRECA AND QUINN

This is to certify that on this 10th day of April, 2005, copies Plaintiffs
Motion to Dismiss Defendants Interbay Funding LLC and Legreca and Quinns Real
Estate Services Inc. were served on to , the following attorney's listed below:

David Souders
Sandra Brickel
1300 19th Street N.W
5th Floor
Washington, D.C. 20036-1609
(202) 628-2000
Attorney's for Interbay

Carol J. Antoff, Esquire
Delaware State Bar I.D. No. 3601
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801
(302) 652-3611
Attorney for Legreca & Quinn

David Finger, Esq.
Commerce Center
1200 Orange Street
Wilmington, DE 18701
Attorney for Interbay.


Robert E. Brown, Pro Se.

Shirley H. Brown, h/w
1024 Walnut Street
Wilmington, DE. 19801
(302) 652- 9959